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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,359	06/26/2003	Tadahiro Nomura	0303-0475P	4534
2292	7590	08/25/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			MCALEENAN, JAMES M	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/606,359	NOMURA, TADAHIRO	
	Examiner	Art Unit	
	James M McAleenan	3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/26/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 1-10 are objected to because of the following informalities:

Claim 1, line 4, recites “casing housing”, which incorrect the term “housing” should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kameoka et al. (U.S. Patent Number 5,839,879). Kameoka et al. discloses a centrifugal air blower having a fan with a plurality of blades spaced circumferentially there around for generating air flow (see Figure 1 and 9 and Col. 3, lines 8-36). Kameoka et al. discloses a scroll casing of the fan defining a first discharge passage for flowing air there through (see Figure 1 and 9 and Col. 3, lines 8-36). Kameoka et al. discloses an extended case connected to the first discharge passage in the scroll casing that defines a second discharge passage (see Figure 1 and 9 and Col. 3, lines 8-36 and lines 65-67). Kameoka et al. discloses the second discharge passage having a cross sectional area that progressively increases toward an outlet thereof (see Figure 1 and 9 and Col. 4, lines 43-53). Kameoka et al. discloses an air guide means for guiding air in the second

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discharge passage, wherein the arcuately shaped surface extends along the second discharge passage defined in the extended case (see Figure 1 and 9 and Col. 4, lines 43-53). Regarding claim 2, Kameoka et al. discloses the air guide means having an edge at a position X to start increasing the vertical size of an outer wall of the extended case. Kameoka et al. discloses an opposite edge at a position Y to start increasing the vertical size of an inner wall of the extended case, wherein position X is positioned upstream of position Y (see Figure 1 and 9 and Col. 4, lines 43-53). Regarding claim 3, Kameoka et al. discloses the arcuately shaped surface of the air guide means having a radius R1 of curvature near an outer wall of the extended case. Kameoka et al. discloses a radius R2 of curvature near an inner wall of the extended case, wherein the radius R1 of curvature is greater than the radius R2 of curvature (see Figure 1 and 9 and Col. 4, lines 43-53). Regarding claim 8, Kameoka et al. discloses the air guide means being integral with the extended case and disposed in the second discharge passage (see Figure 1 and 9 and Col. 4, lines 43-53). Regarding claim 9, Kameoka et al. discloses the air guide means being separate from the extended case and fixed to the second discharge passage (see Figure 1 and 9 and Col. 4, lines 43-53).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kameoka et al. (U.S. Patent Number 5,839,879). The Kameoka et al. device in the rejection of claim 1 above, discloses all the claimed elements except (regarding claim 5) the air guide means being disposed on a bottom surface of the second discharge passage. The Kameoka et al. device does not disclose (regarding claim 6) the air guide means being disposed on a ceiling surface of the second discharge passage. The Kameoka et al. device does not disclose (regarding claim 7) the air guide means being disposed on both the bottom surface and a ceiling surface of the second discharge passage.

Since Applicant has not disclosed that having the specific air guide means positioned on a particular wall (ceiling or bottom) solves any stated problem or is for any particular purpose above the fact to provide improved noise and pressure features and it appears that having the specific air guide means of the Kameoka et al. device would perform equally well, as claimed by applicant, it would have been an obvious matter of design choice to modify the air guide means positioning of the Kameoka et al. device by the positioning as claimed by Applicant.

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

PRIOR ART

4. The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 8 patents.

Ahn (U.S. Patent Number 6,254,336) is cited to show similar second discharge features as claimed by Applicant's invention.

Larsen et al. (U.S. Patent Number 6,378,361) is cited to show similar second discharge features as claimed by Applicant's invention.

Botros et al. (U.S. Patent Number 6,146,092) is cited to show similar second discharge features as claimed by Applicant's invention.

Guillimin et al. (U.S. Patent Number 6,332,759) is cited to show similar second discharge features as claimed by Applicant's invention.

Osborne et al. (U.S. Patent Number 4,789,301) is cited to show similar second discharge features as claimed by Applicant's invention.

Heermans (U.S. Patent Number 1,914,919) is cited to show similar second discharge features as claimed by Applicant's invention.

Grzina (U.S. Patent Number 4,844,693) is cited to show similar second discharge features as claimed by Applicant's invention.

Pollak et al. (U.S. Patent Number 3,758,227) is cited to show similar second discharge features as claimed by Applicant's invention.

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CONTACT INFORMATION


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M McAleenan whose telephone number is 703-308-2827. The examiner can normally be reached on M-F 8:30-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on 703-308-1044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. McAleenan
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 8/16/04


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